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JC962 U.S. PTO

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
12008.42USC1	UNKNOWN	UNKNOWN	K. OLSEN	1744

## CERTIFICATE UNDER 37 CFR 1.10

"Express Mail" mailing label number EL659679125US  
Date of Deposit December 28, 2001

I hereby certify that this paper or fee is being deposited with the U S Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D C 20231

By:   
Name Chris Stordahl

J1046 U.S. PTO  
10/033575  
12/28/01

## CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

## BOX PATENT APPLICATION

Commissioner for Patents

Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/435,026, filed on November 4, 1999 entitled SMALL VOLUME IN VITRO ANALYTE SENSOR AND METHODS by the following inventor(s):

Full Name Of Inventor	Family Name LIAMOS	First Given Name CHARLES	Second Given Name T.
Residence & Citizenship	City PLEASANTON	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address 2444 VIA DE LOS MILAGROS	City PLEASANTON	State & Zip Code/Country CALIFORNIA 94566 / USA
Full Name Of Inventor	Family Name FELDMAN	First Given Name BENJAMIN	Second Given Name J.
Residence & Citizenship	City OAKLAND	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address 5830 COLBY STREET	City OAKLAND	State & Zip Code/Country CALIFORNIA 94618 / USA
Full Name Of Inventor	Family Name FUNDERBURK	First Given Name JEFFERY	Second Given Name V.
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Post Office Address	Post Office Address 37670 CARRIAGE CIRCLE COMMON	City FREMONT	State & Zip Code/Country CALIFORNIA 94536 / USA
Full Name Of Inventor	Family Name KRISHNAN	First Given Name RAJESH	Second Given Name
Residence & Citizenship	City SAN LEANDRO	State or Foreign Country CALIFORNIA	Country of Citizenship INDIA
Post Office Address	Post Office Address 4132 SWEETWATER DRIVE	City SAN LEANDRO	State & Zip Code/Country CALIFORNIA 94578 / USA

Full Name Of Inventor	Family Name PANTE	First Given Name PHILLIP	Second Given Name JOHN
Residence & Citizenship	City SUNNYVALE	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address M-116, 655 SOUTH FAIR OAKS AVENUE	City SUNNYVALE	State & Zip Code/Country CALIFORNIA 94086 / USA
Full Name Of Inventor	Family Name VIVOLO	First Given Name JOSEPH	Second Given Name A.
Residence & Citizenship	City SAN FRANCISCO	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address 1548 HAIGHT STREET	City SAN FRANCISCO	State & Zip Code/Country CALIFORNIA 94117 / USA
Full Name Of Inventor	Family Name JIN	First Given Name ROBERT	Second Given Name Y.
Residence & Citizenship	City CASTRO VALLEY	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address 7663 PINEVILLE CIRCLE	City CASTRO VALLEY	State & Zip Code/Country CALIFORNIA 94552 / USA
Full Name Of Inventor	Family Name CLOUD	First Given Name MICHAEL	Second Given Name S.
Residence & Citizenship	City ALAMEDA	State or Foreign Country CALIFORNIA	Country of Citizenship USA
Post Office Address	Post Office Address 2008 PACIFIC AVENUE #C	City ALAMEDA	State & Zip Code/Country CALIFORNIA 94501 / USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 52 pages of specification, 22 claims, 1 pages of abstract, 26 sheets of drawings, and 5 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-22 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 20	0	x	\$18.00	0.00
INDEPENDENT CLAIMS 3	0	x	\$84.00	0.00
			BASIC FILING FEE:	\$740.00
			TOTAL FILING FEE:	\$740.00

FOOTNOTES

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of \$740.00  
☐ Please charge Deposit Account No. 13-2725.

5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

6. ☒ Amend the specification by inserting before the first line the sentence:

"This application is a continuation of application Serial No. 09/435,026, filed November 4, 1999, which application is incorporated herein by reference."

7. ☒ A set of formal drawings (26 sheets) is enclosed.

8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No. , filed .

9. ☒ The prior application is assigned of record to TheraSense, Inc. located at Alameda, California.

10. ☒ The Power of Attorney in the prior application is to:

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215

11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application. The claims added by preliminary amendment do not affect the filing fee.)

☐ Fee for excess claims is attached.

12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.

15. ☐ Also Enclosed:

16. ☒ Address all future communications to the **Attention of Mara E. Liepa** (may only be completed by attorney or agent of record) at the address below.

17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: 28 December 2001

Mara E. Liepa  
Mara E. Liepa  
Reg. No. 40,066

100955-10001  
"SECRET"